



copyright alliance

Connecting creators · Protecting creative work

**BEFORE THE
U.S. COPYRIGHT OFFICE**

**Copyright Protection for Certain Visual
Works**

Docket No. 2015-1

REPLY COMMENTS OF THE COPYRIGHT ALLIANCE

The Copyright Alliance welcomes this opportunity to submit reply comments in the U.S. Copyright Office's review of visual works. As several of our members are likely to submit their own replies, we will focus our reply on broader issues raised by some of the comments submitted to the Office. Specifically, the Copyright Alliance raises two points.

First, we note that improvements to the registration system are desirable not only to creators, but also to users, including libraries, archives, and academic institutions. Many creators have said the current registration system presents too heavy of a burden on visual artists due to the fact that it is prohibitive in time and cost, and does not conform to the visual artists' workflow. At the same time, organizations using copyrighted works, including libraries and archives, have said the registration database could be improved to provide greater value and utility to those looking for copyright ownership information. At the end of the day, both ends of the stakeholder spectrum want a more effective system for registering and communicating ownership information in the vast quantity of images that are being created.

For instance, there is general consensus that the current electronic registration system could be better integrated with digital tools. The American Society of Media Photographers said, “Current digital photography workflow tools such as Adobe Photoshop, Adobe Lightroom, Photo Mechanic and other software tools do not integrate with the electronic copyright registration process,” and the lack of workflow tools that can feed into the Copyright Office’s electronic registration means “most photographers simply choose not to participate”¹ Shutterstock, one of the largest licensors of images, advocated making the Copyright Office website catalog interoperable with reverse image search engines, saying, “visual examples of copyrighted visual works should functionally integrate into reverse image search engines, so that a web user can locate a copyright registration for specific images.”² The Society of American Archivists agreed, arguing that a visual database “should be batch searchable via image search engines such as Google Images and TinEye so that an archives or its user could quickly and simply determine whether someone was seeking to monetize the image. . . .”³

Additionally, creators are not the only ones who are interested in making registration more affordable and accessible. The Graphic Artists Guild has said registration is “impossible for highly productive creators who create lower value works. In some instances, the cost of registration is higher than what the works are licensed for” and “[v]isual creators would register more works if we were permitted annual ‘bulk’ registration.”⁴ Likewise, the Digital Public Library of America said, “registration should be available for as close to free as possible, available for creators to register works in bulk, and registration information should be available to the public in open, structured, data.”⁵

¹ AM. SOC’Y OF MEDIA PHOTOGRAPHERS, INITIAL COMMENTS 14-15 (2015).

² SHUTTERSTOCK, INC., COMMENTS ON VISUAL WORKS 9 (2015).

³ Letter from Kathleen D. Roe, Executive Director, Society of American Archivists, to Maria Pallante, Register of Copyrights (July 23, 2015) (on file with the U.S. Copyright Office).

⁴ GRAPHIC ARTISTS GUILD, COPYRIGHT PROTECTION FOR CERTAIN VISUAL WORKS 9, 14 (2015).

⁵ Letter from Daniel J. Cohen, Executive Director, Digital Public Library of America, to Catherine R. Rowland, Senior Advisor to the Register of Copyrights, U.S. Copyright Office (Apr. 24, 2015) (on file with the U.S. Copyright Office).

Second, we recognize that the Copyright Office received many comments related to orphan works that were based on misinformation. These comments do not reflect our views or the views of our members. Nevertheless, the Copyright Alliance fully sympathizes with and understands the frustrations experienced by creators, as reflected in our original comments and the comments of our members. The Copyright Alliance supports Copyright Office efforts to find ways to address these challenges that visual artists face today. The Copyright Office has always recognized that protection of authors is at the core of copyright law, and has consistently sought their input on policy, and we are confident that it will continue to do so.

Respectfully submitted,

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